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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CM(M) 494/2017

SANJEEV SACHDEVA

..... Petitioner

Through: Mr.V.K.Garg, Sr.Advocate instructed
by Mr.Karunesh Tandon, Ms.Noopur
Dubey & Mr.Atul Kumar Singh,
Advocates.

versus

GITANJALI SATHIA & ANR.

..... Respondents

Through: None.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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02.05.2017

CM No.16900/2017

1. Exemption allowed, subject to all just exceptions.
2. The application is disposed of.

CM(M) 494/2017 & CM No.16899/2017

1. The matter has been put up on urgent mentioning at 3:15 PM.
2. The petitioner has invoked the jurisdiction of this Court under Article 227 of the Constitution of India with the prayer to set aside the order dated 1st May, 2017 passed in Suit No.613805/2016 whereby the learned Trial Court appointed the Local Commissioner to visit the suit property on 2nd May, 2017 i.e. today at 4.00 pm.
3. Mr.V.K.Garg, learned senior counsel appearing on behalf of the petitioner submits that the Local Commissioner has been ordered to be appointed in this case without there being any averment in the plaint or in the application under Order XXVI Rule 9 CPC that the goods of the plaintiff are lying in the suit property. It is further submitted that without prejudice

to the rights and above contentions of the petitioner to challenge the report of the Local commissioner at appropriate stage, the only safeguard the petitioner requires is that during the inspection of the premises No.A3/12A, Green Apartment, Paschim Vihar, New Delhi by the Local Commissioner the videography may be permitted to be done.

4. Learned senior counsel for the petitioner further submits that since it is already 3:20 PM and it will take some time to type the order and after obtaining copy of the order to make arrangement for a Videographer, the inspection of the suit property may be deferred for tomorrow at 4:00 PM. He further submits that Local Commissioner shall be contacted by the instructing counsel Mr.Karunesh Tandon, Advocate before 4:00 PM today to inform him about postponement of the date of inspection to 3rd May, 2017 at 4:00 PM by sending SMS as well by calling him on his mobile.

5. In view of the submissions made above, the date of inspection of the suit property by Local Commissioner is postponed to 3rd May, 2017 at 4.00 pm. The petitioner is permitted to get the videography done at the time of inspection of the suit property by the Local Commissioner.

6. As prayed, Mr.Karunesh Tandon, Advocate – the instructing counsel is allowed to inform the Local Commissioner through SMS as well by calling on his mobile about the postponement of date of inspection to 3rd May, 2017 at 4.00 pm.

7. Since nothing further survives in this petition for consideration, the petition stands disposed of in above terms.

8. As prayed, copy of the order be given dasti under signatures of the Court Master.

PRATIBHA RANI, J.

MAY 02, 2017/ 'hkaur'
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